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Security Council

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Security Council Committee established pursuant to resolution 1267 (1999)

Letter dated 16 April 2002 from the Permanent Representative of France to the United Nations addressed to the Chairman of the Committee

Please find attached the report submitted by France pursuant to paragraph 6 of Security Council resolution 1390 (2002) (see annex).

(*Signed*) Jean-David **Levitte**

02-34289 (E) 240402 250402

Annex to the letter dated 16 April 2002 from the Permanent Representative of France to the United Nations addressed to the Chairman of the Committee

France has the honour to inform the Security Council Committee established by resolution 1267 (1999) of the measures it has taken to implement resolution 1390 (2002).

1. France, in its resolve to combat terrorism, is particularly committed to the implementation of resolution 1390 (2002), which provides for a global effort to combat the terrorist activities of Bin Laden and the al-Qa`idah organization and other individuals and entities associated with them. To that end, it is adapting its regulations and resources and is supporting the strengthening of international cooperation.

By receiving the experts of the sanctions monitoring mechanism established by resolution 1363 (2001), France has demonstrated its willingness to cooperate and its interest in the mechanism, which is under the authority of the Security Council.

2. In order to comply with the obligations set out in resolution 1390 (2002), France is basing part of its implementation mechanism on two European Union legal instruments:

- A common position containing restrictive measures against individuals included on the Committee's list;

- A Council regulation imposing certain restrictive measures.

These instruments are being finalized and should be published in the Official Journal of the European Communities in the next few days.

However, so as to implement all these restrictive measures effectively, France:

- Is continuing to base its action on the provisions of two European legal instruments adopted pursuant to resolutions 1267 (1999) and 1333 (2000) which are still in force: Council Common Position No. 2001/154/CFSP of 26 February 2001 concerning restrictive measures and Council Regulation (EC) No. 467/2001 of 6 March 2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan. These instruments have been updated as new decisions have been taken by the Committee;

- Has put in place a number of transitional measures at national level.

3. With regard to the freezing of funds and financial assets (subparagraph 2 (a) of resolution 1390 (2002)), pending the adoption of the community regulation, France has had recourse to the domestic legal framework which it uses to implement freeze measures against non-resident individuals and entities included on the Committee's list (Decree No. 2002-383 of 22 March 2002 freezing the assets of Al Haramain Bosnia and Al Haramain Somalia).

French financial institutions have also set up in-house "ethics" departments or offices specifically to combat money laundering and the financing of terrorism. The regular meetings held with representatives of the regulatory authorities and the various departments of the Ministry of Economic Affairs, Finance and Industry

within the framework of Finater allow for ongoing monitoring by the different parties involved.

In connection with Security Council resolutions 1267 (1999) and 1333 (2000), France had frozen almost 5 million euros belonging exclusively to Afghan financial institutions. All these assets have been unfrozen pursuant to Commission Regulations (EC) No. 105/2002 of 18 January 2002 and No. 362/2002 of 27 February 2002. At this stage, no funds have been identified and consequently frozen in France under resolution 1390 (2002).

4. With regard to the implementation of subparagraph 2 (b) relating to the prevention of entry into States' territories, national measures are being taken to prevent entry into the territory of France. A wanted person/file is established for individuals in respect of whom there is sufficient identification information. However, for many individuals we do not have such information.

In conjunction with its partners, France also takes steps to obtain information on the whereabouts of these individuals.

This applies mostly to persons who are likely to move around using false papers. Through this intelligence work, which has actually been extended to cover a much larger number of individuals, any transit by them through our territory can be detected.

The French naval presence in the Mediterranean has been strengthened to counter any attempt by al-Qa'idah terrorists to enter the territory as illegal immigrants.

5. With regard to the prohibition of the sale or transfer of arms and related material to individuals and entities mentioned in the Committee's list, France has a system for controlling the sale and circulation of arms, sensitive exports, war materiel and dual-use goods. This system is applied rigorously to the individuals and entities designated by the Committee.

6. In general terms, the report of France to the Counter-Terrorism Committee pursuant to Security Council resolution 1373 (2001) gives information about the system implemented to combat terrorism. Attention should be drawn to the entry into force of the law of 15 November 2001 on everyday security measures, which has strengthened the system for combating the financing of terrorism, and the ratification by France of the International Convention for the Suppression of the Financing of Terrorism, which entered into force on 10 April 2002.

7. However, resolution 1390 (2002) could be more effectively implemented if there were fuller information on individuals (correct spelling of their name, date of birth, place of birth, nationality, etc.) and entities (acronyms, headquarters, nature of their activity, etc.), so that the authorities and financial and economic institutions could carry out the necessary research.

8. Lastly, while the freezing of assets is a crucial element in suppressing the financing of terrorism, France is arguing strongly in the relevant international forums that these efforts should be accompanied by progress on more structural issues relating to the transparency of the international financial system, so that preventive action can be taken which might be effective in combating financial crime more generally. This issue has long been at the heart of French initiatives on international financial regulation, such as those we have championed in the Group of

Seven, the International Monetary Fund (IMF) or the Financial Action Task Force on Money Laundering (FATF). The recent eight special recommendations of FATF, adopted in October 2001 on our initiative in particular, and the ongoing work to strengthen the 40 recommendations of FATF provide a framework which should be put to good use and which will be a vital factor in our success in the medium and long term.

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Note verbale dated 16 April 2002 from the Permanent Mission of Colombia to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Colombia to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) and has the honour to transmit herewith the report submitted by the Government of Colombia pursuant to paragraph 6 of Security Council resolution 1390 (2002) (see annex).

02-34270 (E) 260402 260402

Annex to the note verbale dated 16 April 2002 from the Permanent Mission of Colombia to the United Nations addressed to the Chairman of the Committee

Report of the Government of Colombia pursuant to Security Council resolution 1390 (2002)

Introduction

Pursuant to paragraph 6 of Security Council resolution 1390 (2002), which requests States to report on the steps they have taken, the Government of Colombia submits the following report on the activities it has carried out to date to implement the measures set out in resolution 1390 (2002).

The Government of Colombia understands that the mandatory measures adopted by the Security Council constitute a valuable tool for effectively combating international terrorism, and therefore attaches priority to taking specific action in this regard.

Administrative measures

With regard to administrative measures taken to freeze funds and other financial assets or economic resources of individuals, groups, undertakings and entities mentioned in the list contained in resolution 1390 (2002) (hereinafter referred to as "the list"), including funds derived from property owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction, as stipulated in paragraph 2 (a) of the resolution, the Government of Colombia explained in its report to the Counter-Terrorism Committee, that the Ministry of Foreign Affairs and the Superintendence of Banks had asked the various entities of the financial sector to determine whether any of the businesses or persons mentioned in the list had operated in Colombia or had carried out any international transaction with any Colombian national or business.

The Superintendence of Banks inspects and monitors the relevant entities in the financial, insurance, social security and foreign-exchange sectors. It engages in such supervision in order to protect public confidence in those sectors, owing to the general interest in the aforementioned activities.

The entities that are controlled and monitored by the Superintendence of Banks have adopted measures to prevent and suppress the financing of terrorist acts and of persons who commit such acts.

These entities, which include banks, savings and loan companies, commercial financing companies, bonded warehouses and trust funds, have reported that to date, none of the individuals or businesses mentioned in the list have had any relationship with them, nor have they conducted any financial transactions with them.

These entities review the list regularly and fulfil their legal obligation to adopt appropriate and adequate control mechanisms to prevent their regular operations from being utilized in any way to conceal, manage, invest or use money or other assets derived from criminal activities, or to give the appearance of legality to criminal activities or transactions and funds related to such activities.

In addition, we have informed and requested other competent entities, including the Ministry of Foreign Trade, the Ministry of Defence, the Information and Financial Analysis Unit, the National Directorate of Narcotic Drugs, the General Directorate of Civil Aviation, the Office of the Prosecutor-General and the Administrative Department of Security to inform this Ministry if any of the individuals or entities referred to in the list appear in their records, and if so, to take such measures as may be necessary to comply with resolution 1390 (2002).

It should be noted that the work carried out by the Information and Financial Analysis Unit as part of the system of prevention and monitoring, since the purpose of the Unit is to detect, prevent and, in general, suppress money-laundering in all economic activities. To that end, the Unit centralizes, systematizes and analyses information collected pursuant to articles 102 to 107 of the Organic Statute of the Financial System and its regulations concerning remand, tax and customs regulations and other information known to State or private entities that may be linked to money-laundering operations, some of which may be attributed to the operations of terrorist groups.

The foregoing will have greater relevance if one bears in mind that money-laundering involves such ancillary offences as various acts directly related to terrorism, namely, conspiracy to commit an offence (including the financing of terrorists), extortive kidnapping, rebellion and arms trafficking.

Legislative measures

With regard to legislative measures, Colombia has a thorough criminal justice system which provides clear and specific penalties for any punishable acts that may be carried out by individuals, groups or undertakings and entities referred to in the list mentioned in resolution 1390 (2002).

In Colombia, there are no administrative provisions for expropriating assets linked to criminal activities. Any measure taken to obtain for the State the confiscation or termination of ownership — freezing, attachment, seizure, arrest, possession or suspension of dispositive power — of assets linked to illicit activities, must be taken exclusively through judicial channels, in accordance with the provision on termination of ownership rights contained in article 34 of the Political Constitution.

The report submitted by Colombia to the Counter-Terrorism Committee (S/2001/1318) includes a detailed description of the relevant legislation and the activities qualified as offences under Colombian legislation. These include terrorism and acts of terrorism as well as a number of punishable acts for which the penalty is more severe when they are committed for terrorist purposes.

Article 100 of the Penal Code and article 67 of the Code of Criminal Procedure contain the definition of confiscation, which provides that the instruments and assets used to commit the punishable act, or which are derived from the commission of such act and which are not freely tradable, shall be appropriated by the Office of the Prosecutor-General or to an entity designated by that Office, unless the law provides for their destruction or different disposition. A similar measure is applied to intentional offences, when the assets that are freely tradable and belong to the criminally liable person are used to commit a punishable act, or are derived from the commission of such act.

As indicated above, activities that are related to criminal acts, including terrorism, can be the object of confiscation as part of criminal proceedings, in accordance with the provisions of article 67 of the Code of Criminal Procedure. In accordance with this regulation, if the money or assets intended for financing, supporting or managing terrorist activities are material objects of the crime, the State, through the legal definition of confiscation and in the context of a criminal procedure, can claim such assets.

Since confiscation is a punitive measure, the procedure to be followed in expropriating the assets requires a judicial decision (seizure warrant), specifically a judicial order issued as part of criminal proceedings in accordance with the regulations and authority established in the Code of Criminal Procedure.

Criminal confiscation is a limited instrument, since it involves only property belonging to the criminally liable person. However, this difficulty can be overcome if recourse is had to the application of Act No. 333 of 1996; specifically, article 2, subparagraph 4, of the Act refers to the circumstances that warrant criminal confiscation, by establishing as grounds "... *Cases in which assets are used as a means or as instruments to commit criminal acts or which are intended for such purpose, unless they are subject to confiscation or seizure in the context of a criminal procedure in accordance with an enforceable judicial decision*".

The advantages of the termination procedure over the confiscation procedure are well known, since termination of ownership takes place independently of the owner's criminal liability. It would be necessary only to establish the admissibility of the action by demonstrating, through the provision of evidence, the grounds (assets and criminal activities), the title to the assets or financial income and the relation of the owner to such grounds.

With regard to the termination of ownership rights, when acquisition of assets is one of the consequences of the crime, this requires a judicial decision and should, therefore, follow the relevant procedure set out in article 15 of Act No. 333 of 1996. Article 2 of that Act provides that a judicial decision can declare the termination of ownership of illicitly acquired assets, provided that such assets are derived from activities that cause a serious decline in social morality.

Colombian legislation also attaches great importance to the establishment of mechanisms for international cooperation in combating crime. Such mechanisms, which are provided for in the Code of Criminal Procedure, provide the country with an important tool.

Measures to prevent entry or transit

As regards the measures set forth in paragraph 2 (b) of resolution 1390 (2002), the entity that is competent to monitor the entry of foreigners into and transit through Colombian territory is the Administrative Department of Security. Pursuant to a request from the Ministry of Foreign Affairs, the Administrative Department of Security has taken the necessary measures to prevent the entry into or transit through Colombian territory of the persons referred to the aforementioned list. To date, there has been no report of such persons attempting to enter the country.

Measures to prevent the sale of arms and related materiel and the provision of technical advice

The body that is responsible for implementing controls with regard to the supply, sale and transfer of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, as described in paragraph 2 (c) of resolution 1390 (2002), is the Ministry of Defence, which exercises permanent control in order to prevent any kind of illicit operation. This Ministry has received no reports that any of the individuals or entities referred to in the list might have carried out any commercial transaction with such materials or provided any technical advice, assistance or training related to military activities.

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Note verbale dated 16 April 2002 from the Permanent Mission of the Republic of Estonia to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Estonia to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Afghanistan and, with reference to the note of 7 March 2002 from the Committee, has the honour to forward the national report of the Republic of Estonia, pursuant to resolution 1390 (2002) (see annex).

02-34261 (E) 240402

Annex to the note verbale dated 16 April 2002 from the Permanent Mission of the Republic of Estonia to the United Nations addressed to the Chairman of the Committee

Report to the Security Council Committee established pursuant to resolution 1267 (1999) on the implementation of Security Council resolution 1390 (2002)

Estonia

A. General information

Estonia condemns all forms of terrorism and considers it a serious threat to peace and stability. Pursuant to the Criminal Code, terrorism is certified as a major offence in Estonia and, in case of aggravating circumstances, it is possible to impose a sentence of up to a maximum of life imprisonment.

Estonia supports the initiatives of the United Nations and other international organizations to prevent and combat terrorism, to freeze the funds and economic resources used by terrorists or provided by individuals, groups, undertakings and entities supporting them, to prevent making benefits available to them by any person from Estonian territory and to prevent the entry into, or the transit through, Estonian territory of persons suspected of terrorism.

Estonia has launched a range of measures participating in the fight against terrorism. Estonian legislation enables the full implementation of United Nations Security Council resolutions 1267 (1999) and 1333 (2000) and is updated regularly pursuant to Security Council Committee references. Concerning the above-mentioned resolutions as well as Security Council resolutions 1373 (2001) and 1390 (2002), Estonia has taken all the necessary measures for their complete implementation.

The competent authorities of Estonia combating terrorism directly or indirectly have close contacts and relations with the relevant institutions of other countries and international organizations in this field. Practical cooperation is functioning with international organizations (Interpol, Europol) in the framework of multilateral and bilateral agreements and according to the Security Council resolutions that are binding on Estonia.

In addition to the report already presented by Estonia in December 2001, pursuant to Security Council resolution 1373 (2001), and on the assumption of guidance for the submission of the report pursuant to Security Council resolution 1390 (2002), adopted by the Security Council on 16 January 2002, and in particular, paragraphs 2, 6 and 8 thereof regarding combating, preventing and financing terrorism, an information outline of Estonia's competent institutions is provided below.

B. Information regarding the questions of the Security Council Committee

Concerning paragraph 2

(a) On 20 March 2002 the *Riigikogu* adopted the Law on Ratification of the International Convention for the Suppression of the Financing of Terrorism (Proclaimed by President on 2 April 2002; Act No. 134).

On 31 May 1999 (Regulation of the Minister of the Internal Affairs; Act No. 63), the Inter-Institutional Committee on Combating Money Laundering under the responsibility of the Ministry of Internal Affairs and the Money Laundering Committee of the Estonia Banking Association were established. All authorities and offices dealing with the hindrance of the financing of terrorism in the Republic of Estonia participate actively in the work of both bodies.

The Estonian Security Police Board is directly responsible in Estonia for the prevention of terrorism and the hindrance of terrorist acts, conducting also the pre-court investigation of offences connected with terrorism. After the terrorist attacks of 11 September 2001, Estonia has taken the direction of raising resources foreseen for competent authorities with the purpose of strengthening the capacity of Estonia in combating terrorism. The main emphasis has been laid upon the improvement of the process of information collection, as well as on advanced training and increasing the number of personnel.

The Security Police Board is tightening cooperation with Estonian financial institutions in order to discover and monitor possible transactions connected with terrorism and to identify the persons concerned, using different technological solutions.

The Estonian Security Police Board has intensified its prosecution process with the purpose of cutting off the monetary means of terrorists or persons connected to them, utilizing all legal means for the capture of those persons and for bringing them to trial. The Estonian Surveillance Act and the Security Authorities Act provide wide enough powers to organize prosecution activities in the framework of combating terrorism. The Estonian Security Police Board has also activated and increased the use of classified methods, provided by the Security Authorities Act, for preventing international terrorism in Estonia in view of all activities covered by article 2 of resolution 1390 (2002) — the movement of terrorists and their groups, financial support, as well as the supply of arms and explosives.

In addition to official institutions and enterprises, the Security Police Board is cooperating with relevant institutions of friendly countries for the exchange of operational information on the movement and activities of persons possibly connected to terrorist groups.

The Estonian Financial Supervision Authority has, with the mediation of the Ministry of Foreign Affairs and on the basis of written data forwarded by the United States of America (altogether 11 lists (15 April 2002)), regularly and without delay notified financial institutions (altogether 45), who are subjects of financial supervision in Estonia, of suspected persons and organizations (including their financial assets) that according to the decisions of the Security Council, the United States Government and the Council of the European Union, are connected with terrorist organizations.

In its notifications to these financial institutions, the Estonian Financial Supervision Authority has asked them to check for the existence of the mentioned persons and on the means of the persons connected to them in credit or financial institutions, and they are asked, when necessary, to take decisive measures that would grant timely information being forwarded to the competent authorities.

In addition, the Financial Supervision Authority is improving the corresponding regulations dealing with the identification of customers and the determination of shady and peculiar transactions. The above-mentioned recommendatory regulations are to be adopted in the nearest future.

Based on the responses received to date, no financial means of any of the identified persons have been established in the Estonian credit or financial institutions.

(b) As a regular procedure, the Estonian Border Guard has a weekly information exchange operating the framework of the Border Control Cooperation of the Baltic Sea States, which deal with the events and occurrences having taken place on the borders of the cooperation countries, Estonia together with Latvia, Lithuania, Poland, Germany, Denmark, Norway, Sweden, Finland and the Russian Federation participate in the above-mentioned format. Since November 2001, an information exchange has been an operation that deals with the detention of terrorists and persons connected with terrorist organizations on the borders of the Baltic Sea States. As has been agreed upon, cooperation partners are being informed immediately about all extraordinary occurrences that may be of interest to the countries participating in this format. The Border Guard uses liaisons officers of the other countries for the information exchange as well as the assistance of Europol and Interpol.

The Border Guard regularly gets lists of persons suspected of terrorism or supporting terrorism from the Security Police Board in order to check, and in case of necessity to hinder, the border crossing of such persons.

In order to hinder the use of forged, lost or stolen documents and to prevent the border crossing of persons wanted or persons, whose entry into the country have been restricted, the border crossers are examined through a corresponding database on their arrival to and departure from the country.

For the discovery of forged travel documents and the prevention of their use, all the international border points have been supplied with document control devices. The major border points are supplied with the VSC-2000 and DIXI-05 systems. For the ultimate control of documents the Centre of the Evaluation of Travel Documents has been created within the Border Guard, providing expert analysis of travel documents and compiling the summaries of the samples of documents and of the forgeries detected. The Centre of Travel Documents exchanges relevant information with the border points and also with other offices and countries.

(c) According to the principles of the non-proliferation agreements and conventions, in 1994, the Estonian Government introduced an export control system based on the guidelines of the Australia Group, Nuclear Suppliers Group, Missile Technology Control Regime and the former Coordinating Committee on Multilateral Export Controls (COCOM), aiming to prevent the supplying, selling and transferring

of arms, related materials, equipment, paramilitary equipment, spare parts and technical advice, assistance or training.

The Commission of the control of the importation, exportation and transit of strategic goods is monitoring and implementing, through the Estonian legislative system, the sanctions, boycotts and embargoes established by the United Nations, the Organization for Security and Cooperation in Europe and the European Union.

The Estonian Customs Board, in regular cooperation with the Estonian Security Police Board, has also taken action to implement more efficiently the measures connected with the fulfilment of Security Council resolution 1390 (2002). Regular information exchange and cooperation has been started with the Customs and Security Police Board in the framework of the special agreement.

The current export control legislation and procedures are compatible with European Union regulations, the European Union Code of Conduct on Arms Exports and with international export control an non-proliferation regimes. The latest version of the Estonian List of Strategic Goods, adopted on 30 April 2001, is fully compatible with the Wassenaar Arrangements' munitions list and with the European Union dual-use list.

In its efforts to make the export control system more efficient, Estonia is currently focusing on the process of establishing control over brokerage activities and on industries' internal compliance programmes. A comprehensive programme to supply Estonian Customs with technical aid from the United States of America has already started. In the first instance it involves the means of control of strategic goods. The training for the fight against terrorism has become regular, such as for the discovery of strategic goods and how specific information processing may be classified. The purpose is to share information at the disposal of Estonian Customs with the other relevant offices.

In addition to the field of different prohibited goods — explosives and trading in arms as one of the possible financing sources of terrorism — is also the object of investigations by the Estonian Security Police Board. In Estonia the following acts are considered as acts related to terrorism and punishable as crimes: violation of the rules of international air navigation; illegal hijacking of an aircraft; acquisition of radioactive material in a criminal way; threat to acquire radioactive material in a criminal way or to use the material for a criminal purpose; violation of the rules of keeping, use, taking account of, conveyance or other rules of the handling of radioactive material; smuggling; and illegal manufacture, acquisition, etc., of explosives and blasting devices or their necessary parts.

Concerning paragraph 8

At the present moment on the administrative level the focus is on the upgrading of mutual cooperation and activities connected with the implementation of resolution 1390 (2002) of the Security Council.

The entry into force of the new International Sanctions Act (draft adopted by the Government of Estonia on 19 March 2002, now in the *Riigikogu*) will further simplify the implementation procedure of different international sanctions in Estonia.

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Note verbale dated 16 April 2002 from the Permanent Mission of Argentina to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Argentina to the United Nations presents its compliments to the Chairman of the Security Council Committee established by resolution 1267 (1999) and has the honour to transmit herewith the report* of the Government of Argentina on the implementation of Security Council resolution 1390 (2002) (see annex).

* The annexes are on file with the Secretariat, room S-3055, and are available for consultation.

02-34488 (E) 010502 010502

Annex to the note verbale dated 16 April 2002 from the Permanent Mission of Argentina to the United Nations addressed to the Chairman of the Committee

Report from the Argentine Republic on the implementation of Security Council resolution 1390 (2002)

A. Introduction

Argentina is implementing the provisions of United Nations Security Council resolutions establishing sanctions in its domestic legislation via executive decrees. Decree No. 623/2002 of 16 April 2002 (published in the *Official Gazette* of 17 April 2002) incorporated resolution 1390 (2002) into the country's legal system.

That Decree has given the resolution the public exposure needed to see it implemented by the State agencies with responsibilities in the areas it covers, and to make it binding on persons under Argentine jurisdiction.

Article 3 of Decree No. 623/2002 provides for the list of individuals and entities referred to in paragraph 2 of resolution 1390 (2002) to be updated by means of resolutions of the Ministry of Foreign Affairs, International Trade and Worship. In compliance with that Decree, Ministerial Resolution No. 623/2002 of 18 April 2002 was issued. It will be published in the *Official Gazette*.

We should mention that the issuing of these domestic rules and regulations was hampered administratively by the recent government changes in Argentina.

It should be pointed out that before Decree No. 623/2002 and Ministerial Resolution No. 623/2002 were issued, the essence of resolution 1390 (2002) had already been covered in large measure by the rules and regulations implemented pursuant to resolutions 1267 (1999), 1333 (2000) and 1373 (2001), including, respectively, Decrees Nos. 253/2000, 1035/2001 and 1235/2001. As a result, the obligations stemming from resolution 1390 (2002) are already established in Argentina.

It was against this background that the authorities competent to handle implementation were given details of the sanctions provided for in resolution 1390 (2002), for the sake of continuity of implementing measures and to enable them to take preventive action in situations potentially involving individuals and entities identified by the Committee established pursuant to resolution 1267 (1999).

Where the financial aspects of resolution 1390 (2002) are concerned, because Argentina has been in a delicate economic and financial position in recent times, controls and restrictions on the movement of bank deposits have had to be introduced. They cover all transactions and movements of funds and assets inside the Argentine banking system, and therefore include those to which resolution 1390 (2002) refers.

B. Operative paragraph 2 of the resolution

2. Decides that all States shall take the following measures with respect to Usama bin Laden, members of the Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them, as referred to in the list created pursuant to resolutions 1267 (1999) and 1333 (2000) to be updated regularly by the Committee established pursuant to resolution 1267 (1999) hereinafter referred to as "the Committee";

(a) Freeze without delay the funds and other financial assets or economic resources of these individuals, groups, undertakings and entities, including funds derived from property owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly, for such persons' benefit, by their nationals or by any persons within their territory;

Argentina has issued Executive Decree No. 623/02, article 2 of which requires the national executive power, federal government departments and agencies, provincial governments, municipal authorities and the autonomous government of the city of Buenos Aires to apply within their respective jurisdictions whatever measures may be necessary to comply with the decisions contained in resolution 1390 (2002).

Implementing article 3 of Decree No. 623/02, Resolution No. 623/02 of the Ministry of Foreign Affairs, International Trade and Worship updates (through additions and deletions) the list of individuals and entities identified by the Committee, with a view to implementation in the jurisdictions of each of the entities to which the Decree refers.

In connection with the measures adopted in this area, Argentina would also refer the Committee to the sections of the report of the Argentine Republic on its implementation of Security Council resolution 1373 (2001) which deal with paragraphs 1 (c) and (d) of that resolution (S/2001/1340, pp. 6-9), and its annexes.

It should be pointed out that before Decree No. 623/02 was passed and published, Law No. 25.561 on Public Emergency and Exchange Reform declared a public emergency in social, economic, administrative, financial and exchange matters (see article 1). The universal measures introduced as a result of the country's serious economic emergency prohibit transfers of funds out of the Argentine financial system. Article 2 (b) of Decree No. 1570 of 1 December 2001 forbids "transfers of funds abroad, except for those that correspond to foreign trade transactions, to the payment of expenses or withdrawals made abroad by means of credit or debit cards issued by Argentine banks, to the payment of financial transactions or to other functions, in this latter case subject to Central Bank authorization".

The Decree also forbids "withdrawing cash in excess of two hundred and fifty pesos or United States dollars per week by the holder or holders (of the bank account) who sign jointly or separately, from the whole of their bank accounts in each financial institution". It exempts from this prohibition "labour-related credits: pay, assets, remuneration or allowances, benefits, pensions and other welfare payments, social benefits and social security payments, and maintenance payments

in general. These are exempted from the restrictions established herein or restrictions which may result from amendments hereto, in order to make them freely and fully available to their holders".

The Decree also states that "the export of foreign banknotes and coins, and precious metal coins, is forbidden, except when carried out through entities overseen by the Office of the Superintendent of Financial and Exchange Institutions previously authorized by the Central Bank, or unless they do not exceed ten thousand United States dollars or its equivalent in other currencies, at the 'sell' rate determined by the Banco de la Nación Argentina".

Circulars from the Central Bank to the entities making up the financial system have specifically set out the scope of the exemptions. None of them applies to the cases envisaged in resolution 1390 (2002).

The scope of the controls and restrictions on transactions involving funds and assets inside the Argentine banking system is universal, so they are not ratione personae targeted solely at the individuals and entities specified in resolution 1390 (2002). Instead, they set up a system of prohibitions, authorizations and checks that is consistent with the resolution's requirements. As a result, Argentina has indirectly complied with the general tenor of the obligations that the resolution entails.

In the interests of remaining consistent with the timely measures adopted, the Central Bank was informed of the content of resolution 1390 (2002) and provided (as a preventive measure) with the updated lists of individuals and entities identified by the Committee established pursuant to resolution 1267 (1999).

(b) Prevent the entry into or the transit through their territories of these individuals, provided that nothing in this paragraph shall oblige any State to deny entry into or require the departure from its territories of its own nationals and this paragraph shall not apply where entry or transit is necessary for the fulfilment of a judicial process or the Committee determines on a case-by-case basis only that entry or transit is justified;

The remarks made above in connection with paragraph (a) and with the effects of Decree No. 623/02 and Resolution No. 623/02 are valid here too.

Argentina would also refer the Committee to the parts of the report of the Argentine Republic on its implementation of Security Council resolution 1373 (2001) which deal with paragraphs 2 (g) (S/2001/1340, pp. 19-21) and 3 (a) (S/2001/1340, pp. 21-24) of that resolution, and its annexes.

The immigration authorities, the National Gendarmerie and the Argentine Coastguard received information in time to allow them to take appropriate preventive action in accordance with the content of resolution 1390 (2002), and received the lists of persons subject to the restrictions set out in that resolution.

(c) Prevent the direct or indirect supply, sale and transfer, to these individuals, groups, undertakings and entities from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related materiel of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned and technical advice, assistance, or training related to military activities;

The remarks made above in connection with paragraphs (a) and (b), and with the effects of Decree No. 623/02 and Resolution No. 623/02 are valid here too.

In connection with the measures adopted in this area, Argentina would also refer the Committee to the sections of the report of the Argentine Republic on its implementation of Security Council resolution 1373 (2001) which deal with paragraphs 2 (a) (S/2001/1340, pp. 11 and 12), 3 (a) (S/2001/1340, pp. 22 and 23), and 4 (S/2001/1340, pp. 30-32) of that resolution, and its annexes.

The National Commission for Export Controls on Sensitive Goods and Military Materiel, which regulates exports of military materiel pursuant to Decree No. 603/92, has been informed of the content of resolution 1390 (2002), and received the lists of individuals and entities subject to the restrictions set out in that resolution.

C. Operative paragraph 8 of the resolution

8. Urges all States to take immediate steps to enforce and strengthen through legislative enactments or administrative measures, where appropriate, the measures imposed under domestic laws or regulations against their nationals and other individuals or entities operating on their territory, to prevent and punish violations of the measures referred to in paragraph 2 of this resolution, and to inform the Committee of the adoption of such measures, and invites States to report the results of all related investigations or enforcement actions to the Committee unless to do so would compromise the investigation or enforcement actions;

As explained in the report (S/2001/1340, p. 3), the Government set up an inter-ministerial committee to analyse and evaluate to what extent Argentine law was in line with international conventions concerning terrorism. Resolution No. 189/2002 of the Ministry of Justice, of 4 April 2002, set the inter-ministerial committee a deadline of 90 days (with a possible extension of a further 90 days) to produce whatever draft legislation it considered appropriate to incorporate the relevant offences into the country's laws, so that terrorist acts could be efficiently investigated, judged and punished.

United Nations S/AC.37/2002/22/Add.1

Security Council

Distr.: General
6 May 2002
English
Original: Spanish

Security Council Committee established pursuant to resolution 1267 (1999)

Note verbale dated 29 April 2002 from the Permanent Mission of Argentina to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Argentine Republic to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) and has the honour to transmit information received from the Central Bank of the Argentine Republic in relation to the application of the sanctions imposed under Security Council resolutions 1267 (1999), 1333 (2000) and 1390 (2002) (see annex).

02-36987 (E) 080502 080502

Annex to the note verbale dated 29 April 2002 from the Permanent Mission of Argentina to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999)

Information transmitted on 17 April 2002 to the Minister for Foreign Affairs of the Argentine Republic by the Central Bank of the Argentine Republic in relation to the implementation of Security Council resolutions 1267 (1999), 1333 (2000) and 1390 (2002)

We refer to your note dated 4 April 2002 in which, by virtue of the provisions of decree No. 1035/01, and for the purposes of the submission of the relevant report to the United Nations, you request information on the measures adopted by the Central Bank since December 2001.

In this connection, we have set out in an annex the provisions issued by the Bank, in each case indicating the circular by means of which they were disseminated, and the resolutions and notes of the Bank on which they were based.

We also wish to stress that to date the financial bodies have not produced information about the existence of funds or financial assets deposited by the individuals and entities referred to in the resolutions mentioned, or by entities owned or controlled, directly or indirectly, by them or by persons or entities acting on behalf of those individuals or entities or at their direction, including funds obtained or derived from property owned or controlled, directly or indirectly, by such individuals or by entities associated with them.

Furthermore, for your convenience, we wish to inform you that the texts of these circulars have been posted on the Central Bank's Internet web page at http://www.bcra.gov.ar: select "BCRA Regulations" and go to "Search of Circular A, B and C".

(*Signed*) María T. **Serramalera**
Chief, Issuance of Regulations
Office for the Issuance of Regulations

(*Signed*) Alfredo **Besio**
Manager, Issuance of Regulations

United Nations S/AC.37/2002/23

Security Council

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17 April 2002
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Security Council Committee established pursuant to resolution 1267 (1999)

Note verbale dated 17 April 2002 from the Permanent Mission of Romania to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Romania to the United Nations presents its compliments to the Chairman of the Security Council Committee established by resolution 1267 (1999) and has the honour to transmit herewith the report of the Government of Romania on the implementation of Security Council resolution 1390 (2002) (see annex).

02-34554 (E) 250402 260402

Annex to the note verbale dated 17 April 2002 from the Permanent Mission of Romania to the United Nations addressed to the Chairman of the Committee

[Original: English]

Measures taken by the Government of Romania to implement Security Council resolution 1390 (2002): report to the Security Council Committee established pursuant to paragraph 6 of Security Council resolution 1267 (1999)

INTRODUCTION

The present report is submitted in accordance to paragraph 6 of resolution 1390 (2002) adopted by the United Nations Security Council on 16 January 2002, to the Committee established pursuant to paragraph 6 of the United Nations Security Council resolution 1267 (1999)[1], providing with the steps that the Government of Romania has taken to implement the resolution 1390 (2002).

With a view to strengthening the legislation on combating international terrorism, the Government of Romania has undertaken all the necessary measures for implementing the relevant resolutions of the United Nations Security Council.

As it was underlined in the previous national report submitted pursuant to paragraph 6 of the United Nations Security Council resolution 1373(2001), concerning counter-terrorism (S/2001/1339), the Government of Romania adopted a series of decisions and emergency ordinances, as follows:

(1) Decision of the Government of Romania no. 918/2001 on the implementation of the United Nations Security Council resolution 1333/2001, regarding the situation in Afghanistan, entered into force on 13 September 2001 (Annex 1);

(2) Government Emergency Ordinance No. 141 / 2001, concerning the punishment of certain terrorist acts and breaches of the peace, entered into force on 31 October 2001 (Annex 2).

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[1] See Committee 1267

(3) Government Emergency Ordinance No. 153 2001 for the implementation of the United Nations Security Council resolution 1373(2001) concerning counter-terrorism, entered into force on 3 December 2001 (Annex 3).

(4) Government Emergency Ordinance No. 159 2001 for the prevention of use of the banking and financial system for the financing of acts of terrorism, entered into force on 14 December 2001 (Annex 4).

Recognising the importance of the United Nations Security Council resolution 1390 (2002) of 16 January 2002, Romania has been working constantly so that no foreign or international terrorist organisations would make use of its national territory.

Therefore, procedures have been initiated for adopting the Decision of the Romanian Government to implement the United Nations Security Council resolution 1390(2002) regarding the sanctions regime previously imposed by the resolutions 1267(1999) and 1333(2000). A document initiated by the Romanian Intelligence Service, entitled "the National Strategy for the prevention and combating terrorism" is also under adoption procedure by the Supreme Council of National Defence.

This report will focus on the main issues underlined in the operative paragraph 2, sub-paragraphs (a), (b), and (c), and operative paragraph 8 of the resolution 1390(2002).

(1) Operative paragraph 2, sub-paragraph (a) of the resolution 1390(2002)

i) With respect to the operative paragraph 2, subparagraph (a) of the resolution 1390(2002), the Ministry of Justice initiated the Government Emergency Ordinance no. 159 / 2001 for the prevention of use of the financial system for the financing of acts of terrorism, published in the Official Gazette no. 802 of 14 December 2001[2].

Under the provisions of article 1 of this Emergency Ordinance:

"All banking and financial transaction between residents and non-residents and between non-residents, including current and capital account transaction and currency exchange operations, as defined by the currency regulations issued by the National Bank of Romania, for or on behalf of the natural or juridical persons listed in the annex, which is an integral part of this Emergency Ordinance, shall be prohibited".

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[2] see Annex 4

"The assets of the persons listed in the annex shall be frozen, and all transfer by whatever mode, including banks, shall be prohibited".

The annex at this Emergency Ordinance includes identification data provided by the United Nations Security Council in respect of persons suspected of financing certain acts of terrorism. The procedure for the drawing up and updating of the annex by decision of the Government is regulated in article 2.

The text of the Emergency Ordinance no. 159 2001 is attached in the Annex 4 of this report.

ii). In order to apply the provisions of the Emergency Ordinance no. 159/2001, according to articles 6 and 8, the National Bank of Romania issued the Norms no. 5, containing the necessary documentation for authorisation of the banking and financial operations, published in the Official Gazette of Romania no. 847/28 December 2001.

After the adoption of the Governmental Decision no. 918/2001[3], the National Bank of Romania has requested the banks, the Romanian juridical persons entities and branches of foreign banks in Romania to provide any information about persons entities mentioned in the lists issued by the Committee established by the resolution Committee 1267, or on the existence of funds and financial resources on their name and transactions/transfers carried out between 1 January 1999 and 1 October .2001, where one of the parties is a person/entity from the mentioned ones, as well as on any transfer/transaction carried out after 1 October 2001.

Until now, the banks have informed the National Bank of Romania that the persons/entities mentioned in the lists issued by the Committee 1267 do not hold any funds or other financial assets. Only 12 banks identified persons with identical or similar names with those on the lists. The National Bank of Romania has also requested the Foreign Intelligence Service, the Romanian Intelligence Service, the Ministry of Foreign Affairs and the Ministry of the Interior, to identify and certify the affiliation of the persons/entities considered by the banks as being liable to be on the lists issued by the international organisations. The results of the investigations showed that the persons identified by the banks are not the ones on the lists.

[3] see Annex 1

The information gathered by the National Bank of Romania have been sent for identification and also for turning to account to the Foreign Intelligence Service, to the Romanian Intelligence Service and to the Inter-Ministerial Committee set up for the management of this matter. The National Bank of Romania has maintained a permanent contact with these institutions in order to identify exactly the suspected persons entities who carry out terrorist activities.

Also, according to article 8 (2) of the Emergency Ordinance 159 2001 "the National Bank of Romania, the National Securities Commission and the Insurance Oversight Commission shall issue, within 10 days from the entering into force of the present Emergency Ordinance, the regulations regarding the necessary documentation on financial-banking operations submitted for approval."

Following the issuance of the above-mentioned regulations, the National Bank of Romania issued Regulation no. 5 21 December 2001, according to which, all operations set forth in article 6 of the Emergency Ordinance no. 159/2001 that are carried out by the persons or on behalf of the private persons or juridical entities stipulated in the list issued by Ministry of Public Finance according to the provisions of the article 5 of the above mentioned Ordinance and based on those issued by the Committee 1267, are under the previous approval.

The National Bank included as a distinct objective in the annual supervision program, the examination of the compliance of the Romanian banking system with the provisions of the Emergency Ordinance no. 159/2001.

iii) The Ministry of the Interior set up a database containing information about foreign companies and individuals carrying out activities in order obtain funds or financial assets, that could be available for or to the benefit of Usama bin Laden, the members of Al - Qaida organisation or other entities, directly or indirectly connected with the above mentioned entities.

After conducting serious investigations, the Ministry of the Interior did not identify any assets belonging to Usama bin Laden or individuals or entities associated with him as contained in the lists issued by the Committee 1267.

At the moment, 169 foreign persons are under the Police investigations, for committing offences on the Romania territory (mainly of economic and financial nature).

The investigations are aimed at establishing whether these persons have financed terrorist activities or not.

iv) The Inspectorate for Preventing and Countering Terrorism, following the National Bank of Romania's warning – based on the consolidated lists issued by Committee 1267 has undertaken a complex vetting on persons, companies, non-governmental organisations, suspected of supporting and financing the terrorist organisations having networks in Romania. The action intended to identify and monitor the financing networks of these groups.

In this context, the data basis of over 150 persons, 40 companies and 10 non-governmental organisations were vetted. All the operative measures have been taken in order to identify, prevent and counter any financial activity that might support the terrorist activities or organisations.

The intelligence information collected did not confirm that the above entities undertook terrorist activities on the Romanian territory. There were also identified 6 persons having names that contain similar elements to those existing on the lists issued by Committee 1267.

The Inspectorate for Preventing and Countering Terrorism has also undertaken activities in order to identify and monitor the financial activities that might jeopardise the Romanian national security, especially those meant to collect funds or financial resources for terrorist activities and organisations using legal or illegal ways.

(2) Operative paragraph 2, subparagraph (b)

i). The Ministry of Justice underlined that the provisions of the Criminal Code, the Criminal Procedure Code, as well as the provisions of the Emergency Ordinance no. 141/ 2001[4], for punishment of certain terrorist acts and breaches of the peace, and the Law no. 296/2001 concerning the extradition, and other normative documents represent the internal law which apply with respect to the implementation of operative paragraph 2, subparagraph b of the resolution 1390(2002), regarding the movement of any member of

[4] see Annex 2

Taliban and of "Al-Qaida" organisation, who participated in the financing, planning, facilitating, preparing, committing or supporting the terrorist acts.

The text of the Emergency Ordinance no. 141 2001 for punishment of certain terrorist acts and breaches of the peace is attached in the Annex 2 of this report.

ii) The General Inspectorate of the Border Police within the Ministry of the Interior has given the instruction of ENP ("Entry Not Permitted") at the borders, aimed at retaining persons whose names are contained on the list issued by the Committee1267. To present, there have been no such cases at the Romanian borders.

A permanent evaluation system has been set up in order to control the flow of foreign citizens coming from high migratory risk countries, who apply for entering or for prolonging their stay in Romania, with special emphasis on monitoring the foreign citizens originated in regions mentioned in the United Nations relevant resolutions, as follows:

- an improved procedure of the entry visa application, in order to establish most precisely the purpose of the voyage;
- careful examination of the visa prolonging applications (documents for setting up companies, associations, leagues, foundations, other entities), in order to identify the activities that could be used to cover up terrorist acts;
- develop, together with the Romanian Intelligence Service and other appropriate agencies, specific operations aimed at checking the activities of persons entities suspected of carrying out activities related in any way to terrorism.

The Ministry of the Interior has maintained a permanent contact with the national governmental agencies with respect to exchange any information on such activities.

Also, the Ministry of the Interior has maintained a strong co-ordination with foreign specialised structures (Federal Bureau of Investigation, European Community similar intelligence structures) with the aim at exchanging information about the actions of persons entities belonging to radical, fundamentalist or terrorist organisations in Romania, which had been identified as likely to commit hostile acts or to obtain funds for financial supply and support for those organisations.

From 11 September 2001, intelligence information have been provided to the United Stated intelligence structures representatives, and a full support was given to the vast investigation of the suspects and of the root causes of the terrorist event.

To present, the Ministry of the Interior has not found any cases involving foreign citizens applying for the refugee status in Romania, suspected of conducting or committing terrorist acts. In such cases, appropriate measures will be taken and the notification of the relevant governmental agencies will be made in due time.

iii). In the "Plan of Actions for combating terrorism" adopted by the Ministry of Public Works, Transportation and Housing precise tasks are stipulated for the specific transport domains: road, air, maritime, railway and subway. The experts of this governmental agency have been involved in the elaboration and implementation of the national strategy for the prevention and combat of terrorism in the field of transport and public works, which is under adoption procedure by the Supreme Council of National Defence.

By the Order no. 1350/2001 of the minister of public works, transport and housing, a Working Group for situations affecting the national safety has been established. This group, by means of the "Special Task Force", as its technical secretariat, shall aim at:

- collaborating with the specialised agencies of the central administration so they be permanently informed about the updated list regarding the persons, groups and associations affiliated to the Al-Qaida organisation or the Taliban Regime, set up by the Committee 1267, in order to inform the companies which are under the co-ordination of the Ministry of Public Works, Transportation and Housing;
- collaborating with the companies specialised in shipping activity, in order to prevent the entry of military materials and persons that are connected with the above-mentioned groups.

(3) Operative paragraph 2, subparagraph (c)

i) the Ministry of National Defence of Romania has worked closely with its counter-parts in order to prevent the transfer of arms-related and proliferation-related

items to countries and organisations or regions which are under sanctions regimes imposed by the United Nations Security Council, or other partners (European Union or United States of America).

In this respect, the Ministry of Defence has undertaken the following measures in order to prevent transfer of military-related items to states or organisations designated as sponsors of terrorism:

- the resolution 1390 (2002) of the United Nations Security Council was distributed according to the legal procedures and internal responsibilities of each structure within Romanian strategic exports control system;
- the list of countries under United Nations Security Council embargo has been permanently updated in close connection with the relevant United Nations resolutions with respect to preventing transfers of military items to prohibited destinations;
- the authorised Romanian companies have been permanently informed with respect to any change made in the „political spectrum" of military items trade, being warned to refrain from establishing trade connections with representatives of prohibited destinations;

Within the export-licensed proceedings, the representatives of the Romanian Ministry of National Defence have taken into account the following major aspects:

- the end-user certificates shall not be faked and must reflect the real destination and the end user;
- the end-user statement must contain the strong commitment of the end-user that it will not divert the items subject of the transaction to prohibited destinations;
- the financial and criminal record of the economic agent is investigated along with its honesty in declarations and past trade activities.

ii) With respect to the activity of the state company "ROMTEHNICA" (one of the major Romanian companies trading arms and armaments):

- this company has no connection with Taliban groups or with Al-Qaida organisation and none of the representatives of the above mentioned Romanian company has made any attempt to contact or connect in any way with these terrorist groups in order to establish trading relationships;

- the company did not receive any requests involving these destinations from its foreign partners;
- the board of directors has instructed the employees of this company to comply with the policy of the United Nations;
- the company informed its clients that it operates under strict governmental control and in full compliance with the international regulations;
- for all its foreign trade transactions, ROMTEHNICA co-operates with the National Agency for the Control of Strategic Exports and of Prohibition of Chemical Weapons (NACSEPCW), the relevant governmental agency issuing export licenses.

iii) The General Directorate for Defence Intelligence (GDDI) represents the Ministry of Defence specialised body responsible for collecting, processing and disseminating intelligence information on internal and external risks and threats to national security, in the military field. The GDDI has the legal competence to collect intelligence data on terrorism, drugs and arms trafficking, and illegal immigration when this information is relevant for defence and defence-related topics. Consequently, GDDI is currently monitoring the implementation of the above mentioned resolution and other relevant United Nations Security Council resolutions.

iv) The National Agency for the Control of Strategic Exports and of Prohibition of Chemical Weapons (NACSEPCW) initiated the Government Ordinance no. 158/1999 on exports and imports of strategic goods, which regulates the government policy in this field according to the principles and measures adopted by United Nations member states to fight international terrorism.

In this respect, NACSEPCW initiated Government Decision no. 918/2001, which implements, at national level, the provisions of United Nations Security Council resolution 1333(2000). According to the above mentioned document, the Romanian governmental agencies, persons and juridical persons/entities, natural and juridical foreign persons entities, carrying out financial and economic activities in Romania have to comply with this Decision 918/2001.

An Inter-ministerial Council was established by means of Government Emergency Ordinance no. 153 2001 in order to fully respect the provisions of resolution 1373(2001).

As the only governmental agency dealing with licensing the export and import controls of strategic goods, NACSEPCW co-operates with other relevant governmental agencies, particularly with the intelligence agencies, for exchanging data on companies dealing with trading of strategic goods, mainly with those that export arms, ammunition and military equipment.

In 2001, NACSEPCW also signed several co-operation protocols and plans of action with the General Customs Directorate, the Strategic Economic Investigation Division (Ministry of the Interior), the Chamber of Commerce and Industry of Romania and the National Commission for Control of Nuclear Activities.

Starting with April 2001, NACSEPCW has initiated a program addressed to Romanian companies carrying out trade operations with strategic goods, which is meant to keep those companies informed in order to comply with the relevant national legislation. The program includes a range of various activities of dissemination of specific information in this field: national and regional seminars, round tables, consulting, thematic documentation, etc.

Starting with March 2001, NACSEPCW launched its own web-site (www.ancesiac.ro) in order to provide the necessary information to Romanian companies more rapidly and efficiently.

Based on 10 years of experience in the field of licensing strategic goods, the NACSEPCW has as a main target to eradicate all risks related to strategic goods diversion by strengthening the control in pre-licensing and post delivery stages. The strengthening of the control of strategic goods is based upon the information exchanged between the specialised agencies as well as on detailed analysis of all export license applications, specially of those dealing with arms, ammunition and military equipment. This evaluation is based on the Security Council relevant resolutions imposing sanctions regimes to countries or organisations, and the list of countries which subject to restrictive

measures on arms trade, as well as the lists of persons and entities involved in terrorist acts or related to terrorist networks as issues by Committee 1267.

NACSEPCW drew up a list of such persons and entities on the basis of the lists provided by the United Nations, the European Union, and the United States of America. The Agency also disseminated this list to all ministries and departments involved in the national system of strategic goods export control and to companies dealing with such trade in order to disseminate the information.

The NACSEPCW is continuously preoccupied to ensure the appropriate transparency in relation with governmental institutions and in relation with Romanian companies with respect to spread information related to persons and entities involved in terrorist acts.

The implementation of the Internal Control Program has been initiated in November 2001 and has been addressed to Romanian companies that carry out export of strategic goods. This is meant to assess the trade policies of Romanian companies, with the purpose of developing an inner company management dedicated to export control.

(3) Operative paragraph 8

The Inspectorate for Preventing and Countering Terrorism of the Romanian Intelligence Service acted in order to:

- verify a great number of suspects enlisted on the documents issued by the international organisations or by our partners. Primary information about terrorist threats on national or international level was also vetted, with special focus on the Al-Qaida suspects;
- identify, monitor and combat any act of the terrorist extremist organisations' entities persons, that might exist in Romania and could directly or indirectly jeopardise the national security;
- identify and assess the risks, due to the international migration, in order to reduce or eliminate any possible human resources of foreign terrorist cells in our country;
- combat the terrorist propaganda and proselyte actions among both foreign and Romanian citizens;

- combat the illegal activities of manufacturing, possessing, selling and trafficking weapons, ammunition, toxic, radioactive, explosive or bacteriological substances in Romania, including the transit of the above materials, using the help of terrorist groups or individuals on the Romanian territory;
- assess and fight terrorist organisations and internal and transnational organised crime structures in their common actions against national security;
- evaluate the trends of international terrorism and the measures adopted world-wide to combat this phenomenon;
- co-operate and provide intelligence information concerning the international terrorism or transnational illegal activities.

United Nations S/AC.37/2002/24

Security Council

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English
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Security Council Committee established pursuant to resolution 1267 (1999)

Note verbale dated 15 April 2002 from the Permanent Mission of Monaco to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Principality of Monaco to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) and, in accordance with paragraph 6 of Security Council resolution 1390 (2002), has the honour to transmit the report of the Government of the Principality.

02-34569 (E) 250402 260402

Annex to the note verbale dated 15 April 2002 from the Permanent Mission of Monaco to the United Nations addressed to the Chairman of the Committee

Report submitted by the Principality of Monaco to the Security Council Committee established pursuant to resolution 1267 (1999) in accordance with paragraph 6 of Security Council resolution 1390 (2002)

The Security Council,

...

Acting under Chapter VII of the Charter of the United Nations,

...

6. *Requests* all States to report to the Committee, no later than 90 days from the date of adoption of this resolution and thereafter according to a timetable to be proposed by the Committee, on the steps they have taken to implement the measures referred to in paragraph 2 above.

I. Measures taken in implementation of paragraph 2 (a) of Security Council resolution 1390 (2002):

The Security Council,

...

2. *Decides* that all States shall take the following measures with respect to Usama bin Laden, members of the Al-Qa`idah organization and the Taliban and other individuals, groups, undertakings and entities associated with them, as referred to in the list created pursuant to resolutions 1267 (1999) and 1333 (2000) to be updated regularly by the Committee established pursuant to resolution 1267 (1999) hereinafter referred to as "the Committee";

(a) Freeze without delay the funds and other financial assets or economic resources of these individuals, groups, undertakings and entities, including funds derived from property owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly, for such persons' benefit, by their nationals or by any persons within their territory;

Note: This report was prepared in accordance with the guidelines set forth in note No. SCA/2/02 (3) of the Security Council Committee established pursuant to resolution 1267 (1999).

Since October 2001, in implementation of the above-mentioned resolutions, financial institutions have been provided with the lists of individuals, entities and bodies whose funds needed to be blocked.[1]

It should be noted that, to date, no funds connected with the individuals, groups, undertakings and entities included in the lists created pursuant to the two resolutions referred to above have been frozen in the financial institutions of the Principality.

At the same time, the Government of the Principality has completed its procedure for the ratification of the International Convention for the Suppression of the Financing of Terrorism, which was given force of law in the Principality by Sovereign Ordinance No. 15,319 of 8 April 2002; meanwhile, domestic legal instruments have been drawn up to suppress the financing of terrorism, and also to define the modalities for the application of asset-freezing procedures for the purpose of combating terrorism and to publicize the above-mentioned lists.

Sovereign Ordinance No. 15,321 of 8 April 2002 concerning the procedures for the freezing of funds for the purpose of combating terrorism includes the following provisions:

- Obligation for credit establishments, financial institutions, insurance enterprises and all bodies, entities and individuals to freeze funds belonging to physical or juridical persons, entities or bodies identified by ministerial decree and held by them;
- Definition of the concept of freezing which consists of preventing any movement, modification, utilization or manipulation of such funds;
- Establishment of additional prohibitions such as making frozen funds available to individuals listed in the ministerial decree; providing services to such individuals; and carrying out or participating in operations to bypass freezing procedures;
- Definition of criminal penalties applicable in cases of failure to comply with the above-mentioned obligations.

The lists drawn up by ministerial decree will be amended or supplemented on the basis of the decisions taken by international bodies, in particular by the Security Council Committee established pursuant to resolution 1267 (1999).

II. Measures taken in implementation of paragraph 2 (b) of Security Council resolution 1390 (2002)

The Security Council,

...

2. *Decides* that all States shall take the following measures with respect to Usama bin Laden, members of the Al-Qaida organization and the Taliban and other

[1] Relevant information on this matter has also been provided in the report of Monaco submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001), in document S/2002/93, particularly in the commentary on paragraph 1, subparagraphs (c) and (d).

individuals, groups, undertakings and entities associated with them, as referred to in the list created pursuant to resolutions 1267 (1999) and 1333 (2000) to be updated regularly by the Committee established pursuant to resolution 1267 (1999), hereinafter referred to as "the Committee";

...

(b) Prevent the entry into or the transit through their territories of these individuals, provided that nothing in this paragraph shall oblige any State to deny entry into or require the departure from its territories of its own nationals and this paragraph shall not apply where entry or transit is necessary for the fulfilment of a judicial process or the Committee determines on a case-by-case basis only that entry or transit is justified;

Further to the information concerning border controls provided in the report of Monaco submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001), in document S/2002/93, commentary concerning paragraph 2, subparagraph (g), it should be noted that, in implementation of the Convention between France and Monaco of 18 May 1963, the stay of foreign nationals in Monaco is subject to the prior agreement of the French authorities. Consequently, as in France, an application for residence in the Principality by an individual included in the list created pursuant to resolutions 1267 (1999) and 1333 (2000) would be denied.

The Principality of Monaco has specific measures available to it to prevent the arrival and stay in its territory of undesirable persons:

- Pursuant to the Convention between France and Monaco of 18 May 1963, as amended, the Principality of Monaco implements the provisions relating to entry into the Schengen area in respect of the exercise of controls at its borders. Thus, persons whose names are included in the Schengen Information System for the purposes of non-admission may not enter Monegasque territory.
- Pursuant to the above-mentioned bilateral Convention, the issuance of a residence card to a foreign national requires prior consultation of the French authorities. If these authorities object to a foreign national staying in Monaco, the result is non-issuance of a residence card to the person concerned.

Moreover, following the attacks of 11 September 2001, the Monegasque Public Security Department received instructions to strengthen border controls (Vigirenfort plan) and to undertake exchanges of police intelligence within the context of the International Criminal Police Organization (Interpol) network.

Lastly, it should be noted that the authorities of the Principality have drawn up a new model for the Monegasque passport and the card issued to foreign residents. These documents have distinctive markings and methods of recognition and prevention of forgery (ultraviolet sensitivity, plastic film with a hologram, etc.) and are in compliance with the security rules recommended at the international level.[2]

[2] Relevant information on this matter has also been provided in the report of Monaco submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001), in document S/2002/93 — commentary on paragraph 2, subparagraph (g).

III. Measures taken in implementation of paragraph 2 (c) of Security Council resolution 1390 (2002)

The Security Council,

...

2. *Decides* that all States shall take the following measures with respect to Usama bin Laden, members of the Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them, as referred to in the list created pursuant to resolutions 1267 (1999) and 1333 (2000) to be updated regularly by the Committee established pursuant to resolution 1267 (1999) hereinafter referred to as "the Committee";

(c) Prevent the direct or indirect supply, sale and transfer, to these individuals, groups, undertakings and entities from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, or arms and related materiel of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned and technical advice, assistance, or training related to military activities;

At the outset, it should be pointed out that the Principality of Monaco has no armed forces in the traditional sense of the term: under the Treaty between France and Monaco of 17 July 1918, the French Republic defends the territorial integrity of the Principality of Monaco. Consequently, the only bodies with military status in the Principality are the Prince's guards and the corps of firefighters.

Having said that, it should be noted that the question of weapons is governed by the Convention on good-neighbourliness between France and Monaco of 18 May 1963, given force of law by Sovereign Ordinance No. 3,039 of 19 August 1963, and by Act No. 913 of 18 June 1971 on weapons and ammunition. Article 16 of the Convention stipulates: "The laws and regulations governing war material in France shall also apply in the Principality. The Government of the Principality undertakes to set up a system of laws and regulations for weapons and ammunition that are not considered war materiel as similar as possible to those in force in France". French law which, under the Convention, applies to weapons of war in the territory of Monaco, states that, in the absence of administrative authorization, the manufacture, trade, import, attempted import, acquisition, transfer, possession and transport of such weapons shall be punished by fines and imprisonment, without prejudice to the right of the French authorities to confiscate seized equipment, deactivate it at the offender's expense or auction it.

Weapons in other categories — defensive firearms, hunting weapons, edged weapons, shotguns, fairground or ornamental weapons, antique and collectors' weapons, and their ammunition — are governed by specific Monegasque law arising from Act No. 913 on weapons and ammunition and its implementing legislation, in particular Sovereign Ordinance No. 6,947 of 16 October 1980. This regime, which is based on French law, is particularly restrictive; it provides that:

- Prior administrative authorization must be obtained for the manufacture and trade of defensive firearms or their ammunition and for intermediary or commercial activities relating to these items;

- Prior administrative authorization must be obtained for every operation to import defensive firearms, hunting weapons, edged weapons, shotguns or fairground or ornamental weapons; the expressly decreed principle is prohibition;

- Prior administrative authorization must be obtained by non-professionals for the acquisition, possession, carrying and transport of defensive firearms or edged weapons;

- Criminal penalties (fines and imprisonment) shall be applicable in cases of disregard of the rules set out above, without prejudice to measures to confiscate, auction or deactivate seized weapons and ammunition, withdraw permits that have been issued or suspend administrative declarations. In particular, a penalty of one to five years' imprisonment and a fine of 9,000 to 18,000 euros is applicable to any person who engages in the manufacture or trade of weapons and ammunition without obtaining a permit or declaring the activity, or who acts as an intermediary without being authorized to do so.

All types of arms trade with foreign groups are therefore prohibited. Moreover, all imports and exports of arms are subject to the prior approval of the Government of Monaco.

Lastly, it should be noted that the Government of the Principality is currently studying the possibility of early signature of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts, Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, which could take place before the end of the first half of 2002.

IV. Measures taken in implementation of paragraph 8 of Security Council resolution 1390 (2002):

The Security Council,

...

8. *Urges* all States to take immediate steps to enforce and strengthen through legislative enactments or administrative measures, where appropriate, the measures imposed under domestic laws or regulations against their nationals and other individuals or entities operating on their territory, to prevent and punish violations of the measures referred to in paragraph 2 of this resolution, and to inform the Committee of the adoption of such measures, and *invites* States to report the results of all related investigations or enforcement actions to the Committee unless to do so would compromise the investigation or enforcement actions.

Following the terrorist attacks of 11 September 2001, the Monegasque authorities embarked on a strengthening of their legislative and regulatory framework for combating terrorism and its financing:

Thus, the *Journal de Monaco* (Official Gazette) of 12 April 2002 published two Sovereign Ordinances concerning, respectively, the suppression of the financing of terrorism (annex No. 1) and the procedures for freezing funds for the purposes of counter-terrorism (annex No. 2). In accordance with the latter text, a ministerial decree was adopted establishing a list of individuals and entities, including those

appearing on the list drawn up in implementation of Security Council resolutions 1267 (1999) and 1333 (2000), (annex No. 3).

Furthermore, the arrangement which currently enables the Financial Network Information Service (SICCFIN) to exchange information with foreign financial intelligence units (FIUs) in the area of money laundering (art. 31 of Act No. 1,162 of 7 July 1993) will soon be supplemented to enable SICCFIN to act more specifically in the context of the prevention of the financing of terrorism; SICCFIN does have the legal capacity to act in this area, however: currently, its action is based on the concept of the activity of "criminal associations" which has been part of its legislation since 1993.

With regard to the supply, sale or transfer of arms and related materiel, it should be noted that a bill on arms and ammunition, containing provisions which are very similar to those which currently exist in France and conform with Community directives on the subject, is about to be finalized.

Lastly, in the area of police investigations, it should be noted that, following the terrorist attacks of 11 September 2001, the Public Security Department of Monaco has carried out checks to determine whether individuals and/or entities linked with terrorist organizations are present in the Principality. These checks are based on lists distributed by the French and United States authorities, and by Interpol. If the checks reveal that an individual or entity matches an entry on one of the lists, the particulars are sent straightaway to the national or international authorities concerned and legal proceedings are immediately instituted.

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Security Council Committee established pursuant to resolution 1267 (1999)

Note verbale dated 17 April 2002 from the Permanent Mission of Paraguay to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Paraguay to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) and has the honour to transmit to him herewith the report of the Government of Paraguay pursuant to paragraph 6 of Security Council resolution 1390 (2002) (see annex).

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Annex to the note verbale dated 17 April 2002 from the Permanent Mission of Paraguay to the United Nations addressed to the Chairman of the Committee

Report of the Republic of Paraguay pursuant to Security Council resolution 1390 (2002)

Paragraph 2

"*Decides* that all States shall take the following measures with respect to Usama bin Laden, members of the Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them, as referred to in the list created pursuant to resolutions 1267 (1999) and 1333 (2000) to be updated regularly by the Committee established pursuant to resolution 1267 (1999), hereinafter referred to as ' the Committee':

(a) Freeze without delay the funds and other financial assets or economic resources of these individuals, groups, undertakings and entities, including funds derived from property owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly, for such persons' benefit, by their nationals or by any persons within their territory".

The Superintendency of Banks of the Central Bank of Paraguay circulated the new lists prepared in conformity with resolutions 1267 (1999) and 1333 (2000) for the purpose of freezing funds and other assets and financial resources of the entities and individuals included on those lists.

Furthermore, the National Anti-Drug Secretariat (SENAD) has a Financial Crimes Investigation Unit which, within its sphere of competence if it detects the existence of financial assets or economic resources of individuals, groups, companies and entities included on the list mentioned in paragraph 2 of resolution 1390 (2002), shall proceed immediately through the appropriate channels to inform the responsible bodies so that they can freeze the funds and take other relevant measures.

The Secretariat for the Prevention of Money- or Asset-Laundering (SEPRELAD) has referred to the Public Prosecutor's Office all suspicious transactions reported by entities of the local financial system and involving mainly individuals or groups that could finance terrorist acts. It also monitors, investigates and follows up all suspicious accounts of individuals based mainly in Ciudad del Este and alleged links with Arab fundamentalist groups.

The Government of Paraguay, through the Public Prosecutor's Office and the judiciary, has undertaken the investigation of such issues as money-laundering (laundering of money derived from illegal activities), drug trafficking, piracy and terrorism. Investigations have centred mainly on the tri-border area between Argentina, Brazil and Paraguay and on the city of Encarnación. There are three cases in which Lebanese citizens are involved: "Sobhi Mahmoud Fayad for tax evasion and other offences", "Mazen Ali Saleh et al for criminal association and other offences" and "Mohammed Jassin et al. for production of counterfeit documents".

Ahmed Gami Sati and Omar Gami Sati, who were carrying irregular passports of Colombian origin, were also detained.

However, it should be noted that no evidence or data on the individuals and institutions included on the lists in Security Council resolutions 1267 (1999) and 1333 (2000) have been found in national territory.

"(b) Prevent the entry into or the transit through their territories of these individuals, provided that nothing in this paragraph shall oblige any State to deny entry into or require the departure from its territories of its own nationals and this paragraph shall not apply where entry or transit is necessary for the fulfilment of a judicial process or the Committee determines on a case by case basis only that entry or transit is justified".

SENAD has offices or regional branches in the country's border areas whose main function is to report to the relevant judicial authorities on the existence of or possible entry to or transit through Paraguay of individuals on the list or allegedly involved in the illicit traffic in narcotic drugs, dangerous drugs and related activities.

Likewise, the National Migration Office and the National Police have intensified their preventive monitoring of the migration of individuals in the areas considered critical and strategic, such as Ciudad del Este, Pedro Juan Caballero, Encarnación and the western region (the Paraguayan Chaco).

As for the individuals mentioned in Security Council resolutions 1267 (1999) and 1333 (2000), their entry to or exit from the national territory has not been reported.

"(c) Prevent the direct or indirect supply, sale and transfer, to these individuals, groups, undertakings and entities from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical advice, assistance or training related to military activities".

Although the Republic of Paraguay is not a manufacturer, producer or exporter of arms and related materiel of any type, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, the National Arms Registry of the Department of Military Supplies of the national armed forces has taken measures to prevent their direct or indirect supply, sale and transfer to those individuals, groups, undertakings and entities from its territory, in compliance with the resolution. To date, there is no evidence that the individuals and/or entities listed in resolutions 1267 (1999) and 1333 (2000) have been involved in the transfer, sale and supply of arms and military materiel of any type in the country.

Paragraph 8

"Urges all States to take immediate steps to enforce and strengthen through legislative enactments or administrative measures, where appropriate, the measures imposed under domestic laws or regulations against their nationals and other individuals or entities operating on their territory, to

prevent and punish violations of the measures referred to in paragraph 2 of this resolution, and to inform the Committee of the adoption of such measures, and invites States to report the results of all related investigations or enforcement actions to the Committee unless to do so would compromise the investigation or enforcement actions".

The Ministry of the Interior has continued its meetings within the Permanent Working Group (GPT) and the Specialized Working Group on Terrorism, within the framework of the Meeting of Ministers of the Interior of MERCOSUR, Bolivia and Chile. Important agreements have been reached on those occasions:

- Internal organizational rules of procedure for the Working Groups
- Study of the training project on terrorism
- Establishment of a cryptography information network among member countries of MERCOSUR, Bolivia and Chile
- Submission of the bimonthly report evaluating the terrorism situation, to be consolidated into a single regional report, under the coordination of the Presidency Pro Tempore of MERCOSUR
- Study of a draft agreement on chemical and biological terrorism, which covers chemicals subject to "Australia Group" export controls; toxic chemicals and precursors; a list of biological agents for export controls; genetically modified micro-organisms; an additional list of alerts; and a list of animal and plant pathogens for export controls
- Utilizing the new digital information system, a fluid exchange of information will take place in the near future on high-risk groups operating in the various countries, especially in the tri-border area between Argentina, Brazil and Paraguay
- The Secretariat for the Prevention and Investigation of Terrorism and the National Intelligence Service, which come under the authority of the National Police, conduct ongoing, sustained intelligence activities for the purpose of detecting any indications of terrorist activity.

The laws and regulations in force regarding the laundering of money and assets in the Republic of Paraguay are contained in Act No. 1015/96 on the Prevention and Suppression of Acts intended to Legitimize Money or Assets and its implementing regulations in Resolution No. 2, Act 84, of 2 March 1997. This resolution establishes the procedures for preventing the use of the financial system and other sectors of economic activity in the commission of acts intended to legitimize goods or assets derived from criminal activity. The Superintendency of Banks, through Resolution No. 248/97, has issued regulations establishing the mechanism to be used by entities in communicating with it. It provides for the compulsory use of a form designed for reporting transactions involving an amount greater than US$ 10,000 or its equivalent in national currency.

Lastly, the feasibility is being studied of technical cooperation by the Inter-American Development Bank with the Superintendency of Banks, using funding from the Multilateral Investment Fund (FOMIN), on a project to improve the transparency and integrity of the financial system.